

Alexis Mager Lakusta, pro se
1259 El Camino Real #245
Menlo Park, CA 94025
(650) 566-9971

FILED

2008 MAR -6 PM 4:16

RICHARD W. VICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re:) Case No. C 07-03085 SBA
) Ninth Circuit Docket No.: 08-15328
Alexis Mager Lakusta,)
) (Bkcy. Court Case No.: No. 02-31521
Debtor, Appellant) Chapter 7)
v.)
) REDESIGNATION OF THE RECORD
) FOR APPEAL TO THE NINTH
Mark Evans, et al.) CIRCUIT COURT FROM ORDER
) AFFIRMING DENIAL OF MOTION
Appellees) FOR ABANDONMENT

ITEMS TO BE INCLUDED IN THE RECORD FOR THIS APPEAL

VOL. 1:

1. Application for Order Shortening Time and Limiting Time and Limiting Notice on Motion for Abandonment
2. Schuricht Declaration Supporting (1) Application for Order Shortening Time, Etc., and (2) Motion for Abandonment
3. Lakusta Declaration Supporting (1) Application for Order Shortening Time, Etc., and (2) Motion for Abandonment
4. A proposed Order Shortening Time and Limiting Notice on Motion for Abandonment
5. Notice of Hearing on Lakusta's Motion for Abandonment
6. Lakusta's Motion for Abandonment
7. Lakusta's Memorandum of Points and Authorities Supporting Motion for Abandonment

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 1

- 1 8. Certificate of Service of Notice of Hearing on Lakusta's Motion for Abandonment
- 2 9. Supplemental Certificate of Service Re Lakusta's Motion for Abandonment
- 3 10. Order Granting Limited Relief from Stay, signed and filed April 16, 2006
- 4 11. Substitution of Attorney, May 11, 2006
- 5 12. Ex Parte Application for Order Authorizing Withdrawal of Debtor's Counsel
- 6 13. Certificate of Service of Ex Parte Application for Order Authorizing Withdrawal
7 of Debtor's Counsel, Etc.
- 8 14. A proposed Order Authorizing Withdrawal of Debtor's Counsel
- 9 15. Faxed Letter to Jennifer Hayes, Law Clerk to the Honorable Thomas E. Carlson,
10 with cover page and copy of Complaint filed in the Superior Court of the
11 State of California on April 21, 2006, as requested by Judge Carlson
- 12 16. Faxed reply from the Hon. Thomas E. Carlson, May 11, 2006, including
13 Memorandum and Order Denying Motion for Abandonment
- 14 17. Notices of Appeal and Statements of Election to Have Appeal Heard by the
15 U. S. District Court, May 22, 2006, September 22, 2006, and December 28,
16 2006 (including Memorandum Re Order Directing Estate to Dismiss Action)
- 17 18. Letter of Understanding and Intent, March 15, 2002 [Exhibit "E" of item #26]
- 18 19. Partnership Agreement, dated March 26, 2002 [Exhibit "F" of item #26]
- 19 20. Estimated Settlement Statement, Chicago Title Company, File No. 902696,
20 Settlement Date April 22, 2002 [Lakusta's Exhibit #1 at trial, May 13, 2005]
- 21 21. Grant Deed, 548 Old La Honda Road, dated March 26, 2002, copy of certified
22 copy, and Grant Deed, 633 Old La Honda Road, dated April 16, 2002
- 23 22. Payment demand sheet provided by Mark Evans on approximately May 23,
24 2002, seeking "reimbursement" and payments totaling \$166,322.00 [Exhibit
25 C of item #62, Lakusta's declaration opposing Evans' motion]
- 23 23. Voluntary Petition, Alexis Mager Lakusta, June 4, 2002
- 24 24. Adversary Proceeding, Lakusta vs. Evans, June 10, 2002
- 25 25. Application for Temporary Restraining Order as to Disposal of Property and
Setting Hearing on Preliminary Injunction; Memorandum of Points and Author-
ites in Support of Granting a Temporary Restraining Order (June 7, 2002)
- 26 26. Declaration of Alexis Mager Lakusta in Support of Application for Preliminary
Injunction, June 13, 2002 [including Motion for Preliminary Injunction, dated
June 13, 2002]

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 2

- 1 27. All other Temporary Restraining [Order] Documents in the record, including
- 2 Lakusta's Declaration in Support of TRO [and Lis Pendens, June 13, 2002]
- 3 28. Order Granting Temporary Restraining Order and Setting Hearing of Prelimin-
- 4 ary Injunction, June 13, 2002
- 5 29. Summary of Schedules, Alexis Mager Lakusta, July 8, 2002
- 6 30. Transcript of July [9], 2002 341 Meeting of Creditors
- 7 31. Email to David Duperrault from Terri Molinaro, July 16, 2002, 2:22 p.m., with
- 8 attachments California Civil Code §1895-1695.17 and §2945-2946.11
- 9 32. Email to David Duperrault from David Boone, July 17, 2002, 11:50 a.m.
- 10 **VOL. 2:**
- 11 33. Confidential Settlement Communications: Letter to David A. Boone from David
- 12 Duperrault, July 18, 2002
- 13 34. Initial draft of Settlement Agreement (July 18, 2002) – for this entry and #35
- 14 please see "Defendant Mark H. Evans' List of Exhibits", filed May 02, 2005
- 15 [versions renumbered (1) through (9) by Lakusta to reflect order of creation]
- 16 35. Draft Settlement Agreements (1) through (8) from July 18, 2005, per "Mark H.
- 17 Evans' List of Exhibits", exhibit E., filed May 02, 2005
- 18 36. Supplemental Agreement (all versions), dated July 16, 2002 (please check
- 19 Evans' exhibits)
- 20 37. Executed Settlement Agreement and Release, dated July 16, 2002 (actual
- 21 date of document: July 18, 2002)
- 22 38. Reporter's Transcript, prepared by Linda Pugliese, CSR, for July 18, 2002
- 23 39. Promissory Note Secured by Deed of Trust, July 18, 2002
- 24 40. Deed of Trust, July 18, 2002, with Certificate of Acknowledgement of Notary
- 25 Public for David A. Boone and Request for Full Reconveyance to Chicago Title
- Company
41. Notice of Debtor's Intent to Enter Into Compromise of Controversy (signed by
- David A. Boone)
42. Letter to Ms. Higgins from David Duperrault, July 25, 2002
43. Email to David Boone from David Duperrault, July 30, 2002, 6:59 p.m.
44. Email to David Duperrault from David Boone, July 31, 2002, 10:29 a.m.
45. Order Approving Compromise of Controversy, August 19, 2002

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 3

- 1 46. Email to Mark Evans from David Duperrault, August 30, 2002, 11:13 a.m.
- 2 47. Email to David Boone from David Duperrault, September 11, 2002, 11:54 a.m.
- 3 48. Email to David Duperrault from David Boone, September, 14, 2002, 9:32 a.m.
- 4 49. Letter to Mark Evans from David Boone, September 27, 2002
- 5 50. Letter to Scott Goodsell from David Duperrault, October 8, 2002
- 6 51. Substitution of Counsel for Debtor, Northern District of California Bankruptcy
7 Court, No. 02-31521 TC, filed October 8, 2002
- 8 52. Bill from Law Offices of David A. Boone directed to Alexis Mager Lakusta,
9 dated October 16, 2002 [Exhibit "C" of Final Application of the Law Offices
10 of David A. Boone for Allowance of Compensation and Reimbursement of
11 Expenses under Employment as Counsel to Debtor dated 10/17/2002]
- 12 53. Notice of Hearing on Final Application of the Law Offices of David A. Boone for
13 Allowance of Compensation and Reimbursement of Expenses Under Employ-
14 ment as Counsel to Debtor, November 8, 2002
- 15 54. Debtor's Objection to Final Fee Application (Law Offices of David A. Boone)
16 November8, 2002
- 17 55. Declaration of Alexis Lakusta in Support of Debtor's Objection to Final Fee
18 Application, November 8, 2002 [and Declaration of Scott Goodsell in Support
19 of Debtor's Objection to Final Fee Application -also listed as item #116]
- 20 56. Letter to David Duperrault from Scott Goodsell, November 25 2002
- 21 57. Motion to Enforce Settlement Agreement, December 6, 2002
- 22 58. Declaration of David Duperrault in Support of Motion to Enforce Settlement
23 Agreement
- 24 59. Declaration of Mark Evans in Support of Motion to Enforce Settlement
25 Agreement
60. Opposition to Motion to Enforce Settlement Agreement and Cross-Motion to
Vacate Order Approving Settlement, dated November 22, 2002
61. Declaration of Scott Goodsell in Support of Opposition to Motion to Enforce
Settlement Agreement and Cross-Motion to Vacate Order Approving
Settlement, dated November 22, 2002
62. Declaration of Alexis Lakusta in Support of Opposition to Motion to Enforce
Settlement Agreement and Cross-Motion to Vacate Order Approving
Settlement, dated November 22. 2002

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 4

1 63. Transcript of Hearing, December 6, 2002

2 64. Creditor's Response to Order to Show Cause Why Case Should Not Be
3 Converted to Chapter 7, December 19, 2002 (Maureen McQuaid, Attorneys
for Thomas H. Tornga, Trustee)

4 65. Transcript of Hearing, December 19, 2002

5 **VOL. 3:**

6 66. Order Authorizing Trustee to Abandon Estate's Interest in Real Property [633
Old La Honda Road, Woodside, California], March 27, 2003

7 67. Ex Parte Application For Order Shortening Time to Consider Emergency Motion
8 Motion for Clarification of Order Restricting Transfer of Property, April 24, 2003

9 68. Emergency Motion for Clarification of Order Restricting Transfer of Property.
April 24, 2003, and all related documents

10 69. Order Granting Emergency Motion for Clarification of Order Restricting Trans-
11 fer of Property, April 25, 2003

12 70. Summary of Schedules, Old La Honda Properties, LLC, May 13, 2003

13 71. Stipulation and Order of Dismissal, June 18, 2003

14 72. Complaint for Unlawful Detainer, June 23, 2003

15 73. Complaint for Relief Bases on Cancellation of Contract; For Money Damages;
and for Damages for Fraud, CC 1695 et seq.

16 74. Declaration Re: Daily Rental Value Date Unlawful Detainer Complaint was
17 Filed, August 5, 2003

18 75. Transcript of Motion for Relief from Stay, August 5, 2003

19 76. Transcript of Unlawful Detainer Trial, August 5, 2003

20 77. Unlawful Detainer Judgment, August 5, 2003

21 78. Writ of Possession, August 5 2003

22 79. Notice of Cancellation 8/14/03, Mark Evans and to Responsible Indiv Old La
Honda Properties LLC, Shirley Scaglione, Chicago Title Company (3 pages)
23 [also Exhibit 22 of item #90, Lakusta's Declaration Supporting Opposition to
Confirmation of Sale]

24 80. Notice of Motion and Motion to Object to Annulment and Relief from Stay,
August 15, 2003

25 81. Notice of Motion and Motion for Annulment and Relief from Stay, August [11],
2003 [same as item #131]

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 5

1 82. Transcript of Hearing, August 18, 2003

2 83. Order Authorizing Sale of Asset of Estate Free and Clear of Liens and Interests
3 Under 11 U.S. C. §363 [633 Old La Honda Road, Woodside, CA], September 8,
2003

4 84. Transcript of Hearing, September 8, 2003

5 **VOL. 4:**

6 85. Supplemental Order Authorizing Sale of Asset of Estate Free and Clear of Liens
and Interests Under U.S.C. §363 [633 Old La Honda Road, Woodside, CA],
October 14, 2003

7 86. Transcript of Hearing, October 14, 2003

8 87. Status Conference Statement, January

9 88. Lakusta's Opposition to Confirmation of Sale, April 5, 2004, including all
10 exhibits

11 89. Katzen's Declaration Opposing Sale Confirmation, April 5, 2004

12 90. Lakusta's Declaration Supporting Opposition to Confirmation of Sale, April 5,
2004

13 91. Abandonment order that confirms Notice of Trustee's Intention to Abandon
14 Estate's Interest in Real Property and Opportunity for Hearing (548 Old La
Honda Road, Woodside, California), July 27, 2004: Order Authorizing Trustee
15 to Abandon Estate's Interest in Real Property [548 Old La Honda Road,
Woodside, California, dated August 20, 2004]

16 92. Notice of Motion for Order Disqualifying Opposing Counsel, April 26, 2005

17 93. Declaration of Alexis Mager Lakusta in Support of Motion to Disqualify Stephen
18 D. Pahl, Esq., and the Law Firm of Pahl and Gosselin, April 26, 2005

19 94. Declaration of Stephen V. Wickersham in Support of a Motion to Disqualify
20 Stephen D. Pahl, Esq. and the Law Firm of Pahl and Gosselin, April 26, 2005

21 95. Memorandum of Points and Authorities in Support of an Order Shortening Time
on a Motion to Disqualify Stephen D. Pahl, Esq. and the Law Firm of Pahl and
22 Gosselin, April 26, 2005

23 96. Declaration of Alexis Mager Lakusta in Support of Motion to Disqualify Stephen
Pahl, Esq., and the Law Firm of Pahl and Gosselin in Reply to the Declaration
24 of Stephen Pahl, Esq., May 4, 2005

25 97. Opposition to Motion Disqualifying Pahl and Gosselin, May 9, 2005, including
supporting declarations by Stephen D. Pahl and Catherine Robertson

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 6

1 98. Billing Statement, Pahl and Gosselin, A.P.C. [Lakusta trial exhibit, May 13,
2 2005]

3 99. Transcript of Hearing on Motion to Disqualify Pahl and Gosselin, May 9, 2005
4 ("Sealed")

5 100. Pahl and Gosselin Trial Brief (Phase 1), May 02, 2005

6 101. Transcript of Deposition of David A. Boone, May 11, 2005

7 **VOL. 5:**

8 102. Transcript of Trial Adversary Proceeding No.03-3549 TC, May 13, 2005 and
9

10 **VOL. 6:**

11 transcript of Closing Arguments re Enforcement of Settlement Agreement
12 and Ruling of the Court, May 19, 2005

13 103. Notice of Entry of Judgment After Trial and Judgment After Trial, June 8,
14 2005

15 104. Transcript of Motion to Declare Mr. Lakusta a Vexatious Litigant and to Enjoin
16 Him from Further Proceedings, August 11, 2006

17 105. Letter to Judge Carlson dated November 20, 2006

18 106. Letter to Ron Oliner dated November 28, 2006, with attachments

19 107. Letter to Judge Carlson dated December 11, 2006, with attachments

20 108. Transcript of Statue Conference, December 11, 2006

21 109. Purchase Contract for 633 Old La Honda Road, submitted (1) by counsel for
22 Evans on August 5, 2003 (partially illegible) and (2) at deposition of Alexis
23 Mager Lakusta

24 110. Exhibits to 60b Motion filed June 8, 2006:

25 Robert E. Patterson Declaration, May 20, 2006, with exhibit
escrow document for 633 Old La Honda Road Purchase Contract [exhibit
to Lakusta's declaration, item #90]

escrow cancellation document 10/17/02 escrow no. 02970-000902605-
001

escrow documents for 548 Old La Honda Road Purchase Contract [also
see item #152]

escrow cancellation document 10/17/02 escrow no. 02970-000902606-
001

VOL. 7:

111. Grant Deed to 633 Old La Honda Road, dated September 11, 1990 (Henry
and Rosemary Hayes to Alexis M. Lakusta) - transfer tax: \$1,061.50

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 7

- 1 112. Grant Deed to 548 Old La Honda Road, dated December 12, 1996 (Muazam
2 and Deborah Shaikh to Alexis M. Lakusta) - transfer tax: \$407.00
- 3 113. Purchase Contract, 548 Old La Honda Road, Woodside, CA between Alexis
4 M. Lakusta and Darleen Barnes, February 4, 2002 - purchase price:
\$400,000.00
- 5 114. Purchase Contract, 579 Old La Honda Road, Woodside, CA between Alexis
6 M. Lakusta and Darrell Brooks/Suzanne Nourmand, February 5, 2002 -
purchase price: \$1,235,000.00
- 7 115. PRDS Exclusive Authorization and Right to Sell between Alexis Lakusta and
8 Re/Max Pioneer, August 28, 2002 and Purchase Contract to sell 579 Old La
Honda Road to Darrell Brooks and Suzanne Nourmand for \$1,200,000.00
- 9 116. Declaration of Scott L. Goodsell in Support of Debtor's Objection to Final
10 Fee Application (Law Offices of David A. Boone), November 4, 2002 [see
item #54 and item #55]
- 11 117. Stipulation to Dismiss Complaint Without Prejudice, November 26, 2002
- 12 118. Order to Show Cause Why Case Should Not Be Converted to Chapter 7,
December 11, 2002
- 13 119. Response to OSC Re Conversion of Case to Chapter 7, December 16, 2002
- 14 120. Notice of Hearing on Motion to Sell Real Property Free and Clear of Liens
15 and Interests (548 Old La Honda Road, Woodside, California),
December 16, 2002
- 16 121. Memorandum of Points and Authorities in Support of Motion to Approve
17 Sale of Certain Real Property Free and Clear of Liens and Interests (548
Old La Honda Road, Woodside, California), December 16, 2002
- 18 122. Declaration of Alexis Lakusta in Support of Motion to Approve Sale
19 of Certain Real Property Free and Clear of Liens and Interests (548 Old La
Honda Road, Woodside, California), December 16, 2002
- 20 123. Response by Mark Evans to Order to Show Cause Why Case Should Be
21 Concerted to Chapter 7, December [16], 2007
- 22 124. Declaration of Mark Evans in Response to OSC, December 18, 2002
- 23 125. Preliminary Title Report, 633 Old La Honda Road, Woodside, California,
24 January 31, 2003 [see Exhibit "A" of item #135, Declaration of Wayne A.
Silver Re: Application for Order Shortening Time and for Application for
25 Entry of Supplemental Order to Sell Asset of Estate Free and Clear of Liens
and Interests and Related Relief, Old La Honda Properties, LLC, October 8,
2003]

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 8

- 1 126. Grant Deed, 633 Old La Honda Road, dated April 28, 2003 (Mark Evans to
2 Old La Honda Properties, LLC) – transfer tax: \$0.00
3 Quitclaim Deed, 633 Old La Honda Road, dated October 20, 2003 (Mark
4 Evans to Old La Honda Properties, LLC) - transfer tax: \$0.00
- 5 127. Notice of Filing of Notice of Removal of Action 28 U.S.C. 1334 (B), 1452;
6 F.R.B.P. 9027, June 30, 2003
- 7 128. Statement in Opposition to Petition for Injunction; Request for Judicial
8 Notice, Mark Evans, July 12, 2003
- 9 129. Notice to Vacate, San Mateo County Sheriff's Office - Old La Honda
10 Properties vs. Alexis M. Lakusta, August 5, 2003
- 11 130. Declaration of Mark Evans in Support of Motion to Sell Asset of Estate Free
12 and Clear of Liens and Interests Under 11 U.S.C. §363 (633 Old La Honda
13 Road, Woodside, CA), Old La Honda Properties, LLC, August 8, 2003
- 14 131. Notice of Motion and Motion for Annulment and Relief from Stay,
15 Old La Honda Properties, LLC, August 11, 2003 [same as item #81]
- 16 132. Order Authorizing Debtor-in-Possession to List Real Property for Sale and
17 Enter Into Exclusive Listing Agreement (633 Old La Honda Road, Woodside,
18 CA), Old La Honda Properties, September 8, 2003
- 19 133. Filed for Old La Honda Properties, LLC, September 10, 2003:
 - 20 - Notice of Motion and Motion to Sell Asset of Estate (633 Old La Honda
21 Road, Woodside, CA)
 - 22 - Declaration of Mark Evans in Support of Motion to Sell Asset
23 of Estate (633 Old La Honda Road, Woodside, CA)
 - 24 - Notice of Motion and Motion for Authorization to Borrow Funds Secured
25 by Super-Priority Lien Under 11 U.S.C. §364(d)
 - Declaration of Mark Evans in Support of Motion for Authorization to
Borrow Funds Secured by Super-Priority Lien Under 11 U.S.C. §364(d)
 - Order Authorizing Sale of Asset of Estate Free and Clear of Liens and
Interests Under U.S.C. §363 (633 Old La Honda Road, Woodside, CA)
 - Order Authorizing Debtor-in-Possession to List Real Property for Sale
and Enter into Exclusive Listing Agreement (633 Old La Honda Road,
Woodside, CA)
134. Application for Order Shortening Time for Hearing of Application for Entry
of Supplemental Order to Sell Asset of Estate Free and Clear of Liens and
Interests Under 11 U.S.C. §363 and Related Relief Under 11 U.S.C. §105
(633 Old La Honda Road, Woodside, CA), Old La Honda Properties, LLC

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 9

October 8, 2003

135. Declaration of Wayne A. Silver Re: Application for Order Shortening Time and for Application for Entry of Supplemental Order to Sell Asset of Estate Free and Clear of Liens and Interests and Related Relief, Old La Honda Properties, LLC, October 8, 2003

136. Notice of Application and Application for Supplemental Order Authorizing Sale of Asset of Estate Free and Clear of Liens and Interests Under 11 U.S.C. §363 and Related Relief Under 11 U.S.C. §105 (633 Old La Honda Road, Woodside, CA), Old La Honda Properties, LLC, October 8, 2003

137. Supplemental Order Authorizing Sale of Asset of Estate Free and Clear of Liens and Interests Under U.S.C. §363 (Old La Honda Road, Woodside, CA), Old La Honda Properties, LLC, October 14, 2003

138. Deposition of Alexis Mager Lakusta:
Volume 1, November 20, 2003 (including list of changes),
Volume 2, December 8, 2003 (including list of changes),
Volume 3, December 20, 2003

VOL. 8:

139. Debtor's Status Conference Statement, Old La Honda Properties, LLC, February 6, 2004

140. Notice of Levy, U.S. Marshall, April 1, 2004

141. Claims Register: Case no. 02-31521, \$25,000 priority claim filed by David A. Boone, May, 27, 2004

142. Substitution of Attorney, Case no. 02-31521 TC, Alexis Mager Lakusta, In Pro Per, for Steven V. Wickersham, June 20, 2005

143. Objection to Motion for Abandonment, Wayne A. Silver, May 2, 2006

144. Objection to Motion for Abandonment by Debtor Lakusta, David A. Boone, May 4, 2006

145. Opposition to Motion for Abandonment, David V. Duperrault, Silicon Valley Law Group, May 5, 2006

146. Objection to Abandonment of Claims and Request to Declare Alexis Lakusta a Vexatious Litigant, Catherine Schlomann Robertson (PAHL AND GOSSELIN), May 5, 2006 [including Request for Judicial Notice in Support of Opposition to Lakusta's Motion for Abandonment and Request to Declare Lakusta a Vexatious Litigant, dated May 5, 2005]

147. Notice of Motion for Amendment of Judgment Under Rule 60(b) and Memorandum of Points and Authorities in Support of Plaintiff's Motion for Amendment of Judgment Under Rule 60(b), June 21, 2005

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 10

- 1 148. Notice of Motion for Relief from Order Under Rule 60(b), June 24, 2005
- 2 149. Order Denying Motion for Amendment of Judgment Under Rule 60(b) and
- 3 Memorandum Re Plaintiff's Motion for Amendment of Judgment Under Rule
- 4 60(b), July 19, 2005
- 5 150. Trustee's Final Report and Application for Compensation and Reimbursement
- 6 of Expenses by Counsel for Chapter 7 Trustee, March 1, 2006
- 7 151. Notice of Filing of Final Report of Trustee and of Hearing on Application
- 8 for Compensation (And of Hearing of Abandonment of Property by the
- 9 Trustee), April 28, 2006
- 10 152. Notice of Motion and Motion for Relief Under Rule 60(b) and Points and
- 11 Authorities in Support of Motion for Relief Under Rule 60(b), with exhibits,
- 12 filed June 8, 2006:
- 13
 - 14 - Robert E. Patterson Declaration in Motion to Vacate Trail Judgment
 - 15 Entered on June 8, 2005
 - 16
 - 17 - letter to Alexis Lakusta from Mickey Elizabeth Greer, trustee of
 - 18 Lakusta family trusts and largest creditor Lakusta bankruptcy estate,
 - 19 June 19, 2005
 - 20
 - 21 - Chicago Title Company ESCROW/ORDER STATUS document,
 - 22 548 Old La Honda Road, ORDER NUMBER 02970-000902696,
 - 23 STATUS: CANCELLED 10/17/02
 - 24
 - 25 - Chicago Title Company SETTLEMENT ENTRY RECEIPT
 - ESCROW NUMBER: 02970-000902696-001 COM
 - BUYER: EVANS, MARK H.
 - TOTAL RECIEPTS: 0.00+
 - Chicago Title Company DISBURSEMENT PROCESSING
 - BUYER: EVANS, MARK H.
 - ESCROW NUMBER: 02970-000902696-001 COM
 - ORDER NUMBER: 02970-000902696
 - CLOSER NAME: Sharon LaFountain
 - APPROVED RECEIPTS: 0.00+
 - ISSUED DISBURSE: 0.00+
 - Chicago Title Company ESCROW/ORDER STATUS document,
 - 633 Old La Honda Road, ORDER NUMBER 02970-000902695,
 - STATUS: CANCELLED 10/17/02
 - Dreams Foreclosed: The Rampant Theft of American Homes Through
 - Equity-Stripping Foreclosure Rescue Scams (actual pages: 66)
 - Order Authorizing Sale of Assets of Estate Free and Clear of Liens
 - and Interests Under 11 U.S.C. §363 (633 Old La Honda Road,

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 11

Woodside, CA), including paragraph 4 regarding "All of claims to the Proceeds....", signed by Judge Thomas E. Carlson, September 8, 2003

- excerpts from hearings In Re: Old La Honda Properties, September 8, 2003 and October 14, 2003
- "Deed Theft Criminals Get More Aggressive at Stealing Your Home", Charles Essmeier, March, 2006
- "Laws Add Risks for Equity Purchasers", Foreclosures Today, Warren Racine
- alleged "Settlement Agreement and Release", dated July 16, 2002 (actual date July 18, 2002)

VOL. 9:

153. Transcript of hearing on Trustee's Final Report and Application for Compensation, June 21, 2006

154. Order Closing Case, June 23, 2006

155. Dated June 27, 2006 and signed by Ms. Catherine Schlomann Robertson (PAHL AND GOSSELIN):

- Notice of Motion to Declare Lakusta a Vexatious Litigant and Related Motion to Enjoin Filing of Future Pleadings
- Memorandum of Points and Authorities in Support of Defendant's Motion to Declare Lakusta a Vexatious Litigant and Related Motion to Enjoin Filing of Future Pleadings
- Declaration of Catherine Schlomann Robertson in Support of Motion to Declare Lakusta a Vexatious Litigant and Related Motion to Enjoin Filing of Future Pleadings
- Request for Judicial Notice In Support of Defendant's Motion to Declare Lakusta a Vexatious Litigant and Related Motion to Enjoin Filing of Future Pleadings

156. Supplemental Request for Judicial Notice In Support of Defendant's Motion to Declare Lakusta a Vexatious Litigant and Related Motion to Enjoin Filing of Future Pleadings, dated July 19, 2006 and signed by Ms. Robertson

157. Proof of Service of the following documents on Catherine Schlomann Robertson, Esq., PAHL AND GOSSELIN, on July 21, 2006:

- 1.) Notice of Motion and Motion for Relief Under Rule 60(b),
- 2.) Points and Authorities in Support of Motion for Relief Under Rule 60(b), and

REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH CIRCUIT
FROM ORDER AFFIRMING DENIAL OF MOTION FOR ABANDONMENT - 12

3.) Points and Authorities in Support of Motion for Relief Under Rule 60(b), Amended (copy included)

158. BENEFITS / DETRIMENTS ANALYSIS, July 16, 2002 Document, from Points and Authorities in Support of Motion for Relief Under Rule 60(b), Amended
159. Amended Notice to Declare Alexis Lakusta a Vexatious Litigant and Related Motion to Enjoin Future Filings, filed July 21, 2006 and signed by Ms. Robertson
160. Motion to Declare Alexis Lakusta a Vexatious Litigant and Related Motion to Enjoin Future Filings, filed July 21, 2006 and signed by Ms. Robertson
161. Certificate of Service of Amended Notice of Hearing of Declare Alexis Lakusta a Vexatious Litigant and related Motion to Enjoin Future Filings and supporting documentation, filed July 21, 2006
162. Order Denying Motion for Relief Under Rule 60(b), August 7, 2006 [no accompanying memorandum issued]
163. Notice of Intention to File Amended Points and Authorities in Support of Motion for Relief Under Rule 60(b), Amended, with Exhibits, including copy of "Point and Authorities in Support of Motion for Relief Under Rule 60(b), Amended" [see number 3.) under item #157, above], August 18, 2006
164. Memorandum Re Motion to Declare Alexis Lakusta a Vexatious Litigant, September 8, 2006
165. Designation of Contents for Inclusion in Record; Statement of Issues to Be Presented on Appeal by Respondent, dated December 7, 2006 and signed by Ms. Catherine Robertson

March 5, 2008

Alexis Mager Lakusta
Alexis Mager Lakusta, pro se
1259 El Camino Real #245
Menlo Park, California 94025
(650) 566-9971

PROOF OF SERVICE BY MAIL

Case Name: Alexis Mager Lakusta v. Mark H. Evans, et al.

Case Number C-07-03085 SBA
Ninth Circuit Docket No.: 08-15328

Seems Gore declares:

I am over the age of 18 years, not a party to this action, and I am self-employed at Post N' More in Menlo Park, California.

On March 5, 2008 I placed for collection and mailing, at Menlo Park, California, a copy of the attached:

**REDESIGNATION OF THE RECORD FOR APPEAL TO THE NINTH
CIRCUIT COURT FROM ORDER AFFIRMING DENIAL OF MOTION
FOR ABANDONMENT**

in a sealed envelope, with postage thereon fully prepaid, addressed to:

U.S. Bankruptcy Court,
No. District of CA (San Francisco)
Clerk's Office
235 Pine Street
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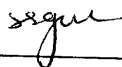
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I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

DATED: March 5, 2008



Seema Gore